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Measures to eliminate international terrorism

Strengthening international cooperation and technical assistance in preventing and combating terrorism

Report of the Secretary-General

Summary

The present report, prepared pursuant to General Assembly resolution 59/153 of 20 December 2004, reviews the progress made in the delivery of technical assistance by the United Nations Office on Drugs and Crime in the context of the Secretary-General's comprehensive global strategy against terrorism and his report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005 and Add.1-3). In addition, relevant highlights of the debate during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and the fourteenth session of the Commission on Crime Prevention and Criminal Justice are included. The report also includes a summary of the responses received from Member States on the implementation of resolution 59/153.

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I. Introduction

1. In its resolution 59/153 of 20 December 2004, the General Assembly requested the United Nations Office on Drugs and Crime (UNODC) to intensify its efforts to provide technical assistance, upon request, in preventing and combating terrorism through the implementation of the universal instruments related to terrorism; and requested the Secretary-General to report to it at its sixtieth session on the implementation of the resolution. The present report has been prepared pursuant to that request.

II. Major substantive developments

A. Development of a global comprehensive response to terrorism

2. The terrorist attacks of the past year, including the hostage-taking in Beslan, Russian Federation, in September 2004 and the recent bombings in London in July 2005, once again brought the urgency of addressing the threat of international terrorism to the attention of the international community. The attacks again underlined the threat terrorism posed to the principles enshrined in the Charter of the United Nations: respect for human rights; the rule of law; protection of civilians; tolerance among peoples and nations; and the peaceful resolution of conflict. Recognizing terrorism as one of the major challenges facing the international community, the High-level Panel on Threats, Challenges and Change, in its report entitled "A more secure world: our shared responsibility" (A/59/565 and Corr.1), states that the United Nations should promote a comprehensive strategy that incorporates, but is broader than coercive measures. The Secretary-General presented the basic elements of such a strategy, the Global Strategy for Fighting Terrorism, during the International Summit on Democracy, Terrorism and Security, held in Madrid from 8 to 11 March 2005. That principled, comprehensive counter-terrorism strategy is characterized by the five "Ds": dissuading disaffected groups from choosing terrorism as a tactic to achieve their goal; denying terrorists the means to carry out their attacks; deterring States from supporting terrorists; developing state capacity to prevent terrorism; and defending human rights in the struggle against terrorism. In his report of 21 March 2005, "In larger freedom: towards development, security and human rights for all" (A/59/2005 and Add.1-3), the Secretary-General further elaborated on the five pillars upon which the strategy should be based. UNODC is fully geared towards ensuring implementation of the strategy, especially those elements where it has relevant mandates and offers significant comparative operational advantages. The Office is particularly experienced in work pertaining to the development of state capacity to prevent terrorism, especially through the provision of legal technical assistance to requesting Member States and the promotion of international cooperation in criminal matters.

3. The Secretary-General has recently constituted an implementation task force to coordinate system-wide efforts to implement his strategy, which replaces the Policy Working Group on the United Nations and Terrorism. UNODC, which is an integral part of the implementation task force, was also actively and regularly

involved in the work of the Policy Working Group and has provided substantive contributions to both bodies.

B. Counter-Terrorism Committee of the Security Council and its Executive Directorate

4. During the past year, the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) of 28 September 2001 has reinforced and strengthened its crucial work. In addition, its Executive Directorate has become fully operational, including with regard to conducting needs assessment missions. It was established as a special political mission to enable the Counter-Terrorism Committee to monitor effectively the implementation of resolution 1373 (2001) by Member States.

5. The technical assistance activities of the Terrorism Prevention Branch of UNODC, undertaken in close coordination with the Counter-Terrorism Committee and its Executive Directorate, are aimed at complementing the normative, policy and monitoring functions of the Committee and its Executive Directorate. The Executive Directorate, inter alia, analyses mandated reports from Member States and facilitates and coordinates the provision of technical assistance to requesting States. UNODC delivers requested legislative and advisory services, drawing on its specialized substantive expertise and comparative advantages. Where appropriate, representatives from the Committee and its Executive Directorate and the Office participate in and provide substantive input to the work of the other body. The Office has participated in the needs assessment missions of the Committee to Albania and Thailand. To ensure optimal coordination, a working arrangement has been set up between the Committee and UNODC.

C. Eleventh United Nations Congress on Crime Prevention and Criminal Justice

6. Countering terrorism featured prominently on the agenda of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005.[1] The Eleventh Congress considered an agenda item on international cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of UNODC. In addition, a workshop was held on measures to combat terrorism, with reference to the relevant international conventions and protocols. Countering terrorism was also a major theme during the high-level segment of the Eleventh Congress.

7. The Eleventh Congress adopted the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[2] in which it called upon States to become parties to and implement the universal instruments against terrorism and expressed support for the continuing efforts of the Office within its mandate and in coordination with the Counter-Terrorism Committee and its Executive Directorate, to assist States in their efforts to ratify and implement the instruments, through the provision of technical assistance upon request. Such actions would obviously serve to strengthen state capacity to counter terrorism.

8. The high-level segment of the Eleventh Congress strongly stated its belief that terrorism was a major threat to international peace and security. There was also unanimous recognition that terrorism was a global threat that required a common, concerted, coordinated and comprehensive international response. The Eleventh Congress welcomed the comprehensive strategy against terrorism drawn up by the Secretary-General and stressed the role of international cooperation in combating terrorism, condemning terrorism in all its forms and manifestations.

9. The Eleventh Congress also called for the speedy ratification and full implementation of the universal counter-terrorism instruments and the completion of the draft comprehensive convention on international terrorism, also drawing on the report of the Secretary-General of 21 March 2005 (A/59/2005), which provided a good basis on which agreement between all States could be achieved. The report was also referred to in the context of the need to ensure the compatibility of counter-terrorism measures with international human rights law. The Eleventh Congress recommended that the United Nations intensify its efforts in providing assistance and technical cooperation, in particular to countries emerging from conflict, including through developing and implementing assistance tools.

10. During the Workshop on Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols, the Eleventh Congress addressed a number of issues, including the need for the following: establishing a fully functional international legal regime against terrorism as a basic preliminary requirement for combating and preventing international terrorism; and strengthening national mechanisms and arrangements for international cooperation in criminal matters. There were also strong calls for UNODC to intensify training of criminal justice officers on the basis of a comprehensive global strategy of fighting terrorism that would take into account the need to reinforce concerted actions at national, regional and international levels, where at the same time addressing root causes, fundamental human rights and the rule of law.

D. Commission on Crime Prevention and Criminal Justice

11. The issue of terrorism was one of the major issues addressed by the Commission on Crime Prevention and Criminal Justice at its fourteenth session. The Commission recommended to the Economic and Social Council a draft resolution for adoption by the General Assembly, entitled "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime".[3]

12. During the deliberations of the Commission, the comprehensive strategy against terrorism proposed by the Secretary-General was welcomed and the crucial role of the rule of law and functioning criminal justice systems underlined. The Commission expressed satisfaction for the work of the Terrorism Prevention Branch of UNODC and appreciation for the technical assistance tools developed by the Office, including the legislative guides. It also stressed the central role of the United Nations in the fight against terrorism and in promoting international cooperation. During the deliberations, additional activities were suggested in which the Terrorism Prevention Branch might be involved. There was also a call to the international

community to provide adequate financial resources for the Branch to carry out its tasks effectively.

E. An integrated approach to combating terrorism: the rule of law and international cooperation

13. Within the context of the overall work of UNODC in its efforts to combat terrorism, the close connection between international terrorism and transnational organized crime has been recognized. In its resolution 1373 (2001), the Security Council noted that connection and emphasized the need to enhance coordination of efforts at the national, subregional, regional and international levels. The High-level Panel on Threats, Challenges and Change noted that, at present, more than ever before, security threats (including terrorism and organized crime) were interrelated (A/59/565 and Corr.1, para. 17). The Secretary-General also reiterated that the threat of terrorism was closely linked to that of organized crime, which was growing and affected the security of all States. Organized crime contributed to state weakness, impeded economic growth, fuelled many civil wars and provided financing mechanisms to terrorist groups (A/59/2005 and Add.1-3, para. 95).

14. Those links call for international, regional and national responses to take into account and combine the lessons learned from fighting each type of crime. The international community, as well as national Governments, can benefit from using the legal tools initially developed to combat transnational organized crime and money-laundering when they are fighting terrorist groups and their means of support.

15. In its resolution 59/153 of 20 December 2004, the General Assembly requested UNODC to pursue an integrated, synergistic approach in the delivery of technical assistance to requesting States, taking into account the links that existed between terrorism and other forms of crime.

16. The absence of the rule of law provides ideal conditions for the blending of criminal and terrorist activities. The Office's technical assistance activities in the general area of criminal justice reform include a focus on the modernization of criminal justice processes, the strengthening of judicial integrity and the improvement of the treatment of witnesses, victims and offenders in line with the United Nations standards and norms in crime prevention and criminal justice. They provide indirect support to counter-terrorism strategies by reinforcing the capacity of Member States in the fight against terrorism and do so moreover in compliance with the rule of law.

17. In the context of the focused work by the Office on the implementation of the universal instruments related to terrorism, every effort is made to fully integrate the rule of law and human rights aspects. In the draft resolution mentioned in paragraph 11 above, the General Assembly would recognize the role of fair and effective criminal justice systems within the overall framework of the rule of law as an integral component of any strategy to counter terrorism; and would request the Office, whenever appropriate, to take into account, in its technical assistance programme to counter terrorism, the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law with a view to facilitating effective implementation of the universal conventions and

protocols related to terrorism and relevant Security Council resolutions. The Office has formulated a project component that seeks to reinforce the rule of law elements in providing legal technical assistance to requesting States for becoming party to and implementing the universal instruments related to terrorism. In that respect, close working relations are maintained with the Office of the United Nations High Commissioner for Human Rights, with the aim of developing capacity to offer States technical assistance on the implementation of the universal instruments related to terrorism in compliance with the rule of law and human rights protection in particular.

18. The High-level Panel on Threats, Challenges and Change has also pointed out that no State, no matter how powerful, can by its own efforts alone make itself invulnerable to present-day threats. Every State requires the cooperation of other States to make itself secure. It is in every State's interest, accordingly, to cooperate with other States to address their most pressing threats, because doing so will maximize the chances of reciprocal cooperation to address individual threat priorities (A/59/565 and Corr.1, para. 24).

19. In that regard, UNODC, with its substantive and extensive expertise on international cooperation, has a competitive advantage to assist States in developing treaty relations at the various levels, in particular on the basis of the revised manuals on the Model Treaty on Extradition (General Assembly resolutions 45/116, annex, and 52/88, annex) and on the Model Treaty on Mutual Assistance in Criminal Matters (Assembly resolutions 45/117, annex, and 53/112, annex I). In that context, the United Nations Convention against Transnational Organized Crime (resolution 55/25, annex I) and the United Nations Convention against Corruption (resolution 58/4, annex) reflect in many ways the state of the art of international cooperation in criminal matters. However, most States rely on domestic legislation to enact international cooperation modalities into law and in that context international cooperation depends almost entirely on the effectiveness of national legal systems. Consequently, UNODC will continue to cooperate with States in establishing the required legislative framework for effective international cooperation in criminal matters related to terrorism and will assist in building the required capacity to implement those measures.

III. Technical assistance delivery

20. It is within the context described above that UNODC pursues its technical assistance activities. Pursuant to its mandate, the Office works to promote wide adherence to the universal instruments related to terrorism and to provide legal advice on domestic implementing legislation necessary to make those instruments effective.

A. Bilateral, subregional and regional initiatives

21. During the year under review, direct bilateral cooperation missions were conducted to 22 requesting countries.[4] The missions focused mainly on providing legal advisory services on the incorporation of the relevant provisions contained in the international instruments into national legislation, as well as assistance for the

implementation of the legislation, including international cooperation mechanisms. In some cases, UNODC experts provided States with the elements for completing reports to the Counter-Terrorism Committee in response to Security Council resolution 1373 (2001). Since the launch of the global project on strengthening the legal regime against terrorism in January 2003, the Terrorism Prevention Branch of UNODC has provided support to more than 100 countries either directly or through regional initiatives.

22. Efforts were also made by UNODC to outline regional activity frameworks under its global project to strengthen the legal regime against terrorism. The aim of those regional components was to be in a better position to plan and monitor the various activities conducted in specific regions and to harmonize the efforts of countries in the same region or subregion. At the same time, the regional components were a response to requests from various donor Governments who wished their contributions to be spent in particular countries and regions.

23. The UNODC Regional Office for the Middle East and North Africa in Cairo has taken the lead in this activity and has, jointly with UNODC, developed a regional action plan on combating terrorism, taking into full account regional specificities and needs. Specifically, the regional action plan foresees: (a) provision of substantive legal advice on the ratification of the international instruments related to terrorism and on the incorporation of relevant provisions into domestic legislation; (b) support for the legislative adoption of the new provisions against terrorism; (c) training for criminal justice officials in the effective implementation of national legislation; (d) support for effective participation in international cooperation in the regional and global context; and (e) support for promoting public awareness of the counter-terrorism instruments and counter-terrorism issues in general. The plan builds upon counter-terrorism work conducted by UNODC in the region in 2004.

24. Together with the Inter-American Committee against Terrorism (CICTE) of the Organization of American States (OAS) and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, UNODC has conceptualized a set of regional activities aimed at strengthening regional cooperation through the ratification and implementation of the universal instruments related to terrorism, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. A series of expert workshops have been conducted on the drafting of legislation and implementation of the universal instruments related to terrorism and the Inter-American Convention against Terrorism (A/56/1002-S/2002/745, annex).

25. Specific progress at the subregional level can also be seen with regard to the French-speaking countries of Africa. Ministers of the French-speaking countries of Africa[5] met at a regional ministerial conference of French-speaking countries of Africa for the promotion of ratification of the Organized Crime Convention and the protocols thereto in Cairo from 2 to 4 September 2003 and at a further regional ministerial conference for the promotion of the ratification and implementation of the United Nations conventions on combating terrorism, corruption and transnational organized crime and of the universal instruments related to terrorism, held in Port Louis from 25 to 27 October 2004. The conferences were organized by UNODC, the Intergovernmental Agency of la Francophonie and the Governments of Egypt and Mauritius, respectively. The outcomes of the two meetings appear in the

Cairo Declaration (A/C.3/58/4, annex) and in the Port Louis Declaration (A/59/811, annex I). Further, in the year between the two conferences, UNODC followed up with bilateral technical cooperation and legal assistance to 11 countries[6] to better enable them to become parties to and implement the universal instruments related to terrorism and transnational organized crime. A major increase — almost 50 per cent — in additional ratifications of the universal instruments related to terrorism between the first and the second ministerial meetings shows the commitments made by Governments. Plans are also under way to initiate other subregional initiatives in support of French-speaking countries of Africa.

26. Specific attention was also paid to the needs of the Portuguese-speaking African countries. Together with the Ministry of Justice of Portugal, UNODC organized the second study tour for Portuguese-speaking African countries to Lisbon from 2 to 5 November 2004 in an effort to familiarize the participating countries with the requirements for ratification and implementation of the universal instruments related to terrorism, the Organized Crime Convention and the Convention against Corruption. A subregional workshop on the ratification and implementation of the universal instruments related to terrorism, the Organized Crime Convention and the Convention against Corruption, as well as on the drafting of reports to the Counter-Terrorism Committee, was conducted in Praia from 8 to 10 December 2004, organized in cooperation with the Government of Cape Verde.

27. UNODC has also intensified its technical cooperation activities with the countries of the Commonwealth of Independent States (CIS) and Central Asia. UNODC experts commented at length on a CIS Model Law on Terrorism that had been adopted by the Interparliamentary Assembly of Member Nations of CIS in December 2004. Belarus, Tajikistan and Turkmenistan, after having received technical assistance from UNODC in the form of bilateral assistance missions conducted in 2003 and 2004, have become parties to all the universal instruments related to terrorism.

28. The Expert Workshop on International Cooperation on Counter-Terrorism, Corruption and the Fight against Transnational Crime was held in Zagreb from 7 to 9 March 2005. The Workshop brought together representatives of countries in the region and regional and international organizations and resulted in the adoption of the Zagreb Declaration on International Cooperation on Counter-Terrorism, Corruption and the Fight against Transnational Organized Crime (A/59/754-S/2005/197, annex).

29. With regard to Asia and the Pacific, UNODC has been actively involved in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime and has structured its assistance in line with the priorities determined under it by providing advice and by participating in a number of regional and subregional meetings.

30. Furthermore, activities against terrorism have also been implemented jointly by different parts of UNODC, in particular the Terrorism Prevention Branch, the Treaty and Legal Affairs Branch and the Anti-Money-Laundering Unit.

B. Enhanced action through presence in the field and working in partnership

31. In order to support the implementation of UNODC activities in the field, regional-level experts have been identified and based in a number of strategic geographical locations to carry out on-the-ground follow-up activities. The experts met in Vienna from 7 to 11 February 2005 in order to be briefed on the activities of UNODC and its approach to technical assistance. The meeting provided the experts with a platform to exchange experience and knowledge.

32. The creation of advisory panels for geographical regions and legal systems to review proposed legislative solutions and provide specific input appropriate to the region's particular historical and legal traditions and jurisprudence, as well as the placement of mentors to provide longer-term in-depth follow-up, is also envisaged.

33. UNODC made further progress towards maximizing impact through operational partnerships and avoiding duplication of efforts. To that end, technical assistance activities were undertaken in close partnership and cooperation with numerous international, regional and subregional organizations, such as the Organization of American States, the Organization for Security and Cooperation in Europe (OSCE), the Commonwealth Secretariat, the Intergovernmental Agency of la Francophonie, the Economic Community of West African States, the Economic Community of Central African States, the International Civil Aviation Organization and the International Criminal Police Organization (Interpol). Several legislative advisory activities were conducted with the International Monetary Fund (IMF) and the World Bank. The assessments were conducted under the joint methodology for evaluating compliance, developed by the Financial Action Task Force on Money Laundering (FATF), IMF and the World Bank.

34. UNODC also contributes to the component of the Secretary-General's counter-terrorism strategy dealing with the defence of human rights in the struggle against terrorism. In carrying out its technical assistance activities, UNODC works to ensure that all activities are carried out in full respect of international law, including international human rights law, refugee law and humanitarian law. Moreover, UNODC has established and maintains regular working contacts with the Office of the United Nations High Commissioner for Human Rights, as UNODC's partner for implementing programme activities related to the rule of law and terrorism, as well as with the Office for Democratic Institutions and Human Rights of OSCE, with which it has worked as a partner in delivering technical assistance. UNODC is committed to working with such organizations and is exploring further opportunities to reinforce the arrangements with them in future operational activities.

35. UNODC has made substantive and technical presentations in a variety of national, regional and international forums, including those organized by the Counter-Terrorism Committee, the Counter-Terrorism Action Group of the Group of Eight, the Working Party on Terrorism of the Council of the European Union, OSCE, the Belgian Senate, as well as to government representatives and non-governmental organizations.

36. As a follow-up to the special meeting organized by the Counter-Terrorism Committee on 6 March 2003, OSCE, in cooperation with UNODC, hosted a meeting of international, regional and subregional organizations in Vienna on 11 and

12 March 2004. The proceedings of the meeting have been collected in an OSCE/UNODC publication under the overall theme "Strengthening cooperation against international terrorism", which was distributed during the Eleventh Congress. In addition, UNODC participates in the biannual follow-up meetings, including that held in Almaty in January 2005.

37. UNODC also worked in close coordination with the Office of Legal Affairs of the Secretariat, which provided relevant advice and substantive elements related to the development of technical assistance tools by UNODC. Further, UNODC has engaged in discussions with the Security Council Committee established pursuant to resolution 1267 (1999) of 15 October 1999 concerning Al-Qaida and the Taliban and associated individuals and entities, as well as with the Security Council Working Group established pursuant to resolution 1566 (2004) of 8 October 2004, on how UNODC activities could support the work of the two bodies, in particular concerning the criminal justice aspects of their work and more specifically issues related to victims of terrorism.

38. In order to ensure transparency, UNODC continued its practice of providing, on a periodic basis, detailed briefings to Member States on progress made in programme delivery. A brochure reflecting the work of UNODC has been regularly updated and is available online (http://www.unodc.org/pdf/brochure_gpt_may2004%20.pdf). The Branch further continued to produce and disseminate to relevant agencies and organizations, on a monthly basis, a matrix of its ongoing and planned technical assistance activities per country and region. An issue of the journal *Forum on Crime and Society* devoted to terrorism will be published in late 2005.

C. Technical assistance tools

39. In order to carry out its technical cooperation activities effectively, UNODC has developed a variety of technical assistance tools, based on best practices identified by international experts. These serve to assist in the training of judicial and prosecutorial personnel in the proper implementation of universal conventions and protocols.

40. Pursuant to General Assembly resolution 58/136 of 22 December 2003, UNODC has prepared guidelines according to which assistance would be provided to promote the ratification of, accession to and implementation of the universal conventions and protocols and to identify specific elements of such assistance with a view to facilitating cooperation among Member States. The guidelines were developed by an expert group that met in Cape Town, South Africa, on 24 and 25 February 2004, and were submitted to the Eleventh Congress and the Commission on Crime Prevention and Criminal Justice at its fourteenth session for further discussion.

41. In the area of international cooperation, UNODC has over the past years prepared a series of specialized manuals and model laws on extradition and mutual legal assistance intended to allow States to make use of the guidance provided in order to prepare bilateral agreements and to draft relevant national legislation against terrorism. UNODC and the International Institute of Higher Studies in Criminal Sciences organized in Siracusa, Italy, from 29 November to 3 December

2004 an expert group meeting to review a draft model law on mutual legal assistance in criminal matters, which will provide a solid legal framework for international cooperation against terrorism. The group also reviewed a hypothetical extradition case for future use as a case study in UNODC training programmes on extradition.

42. As a further means of enhancing the implementation of the universal instruments, the Office is finalizing a guide for the legislative incorporation and implementation of the universal instruments related to terrorism. The draft guide goes further than the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*,[7] as it takes into account other obligations of States under international law, such as principles of human rights. It also provides an in-depth analysis of international cooperation, which is regarded as an integral part of legal measures against terrorism, and proposes a broad range of options and examples that national legislators can examine when incorporating new counter-terrorism measures into their national legislation. The *Guide* was distributed in the six official languages of the United Nations during the Eleventh Congress and was also submitted to the Commission on Crime Prevention and Criminal Justice.

43. To complement this work, the Office has prepared a *Compendium of Legal Instruments and Useful Technical Assistance Tools to Prevent Terrorism and Other Related Forms of Crime*. The *Compendium*, which lists, inter alia, relevant legislative guides, model laws, manuals and implementation tools relating to terrorism and other related crimes is available on the Internet (http://137.82.153.100/Site%20Map/compendium/Compendium/index.htm) and as a CD-ROM.

44. In the year under review, UNODC has further developed its legislative database, which is used as an in-house tool to support the delivery of technical assistance. It contains the analysed and categorized counter-terrorism legislation of over 135 countries, a selected bibliography on terrorism, as well as the jurisprudence of international courts on terrorism, and a range of technical cooperation tools. In order to further enhance the comprehensiveness of the database, the Office would welcome being provided with examples of national legislation effectively implementing the penalization, jurisdiction or international cooperation obligations of the universal instruments related to terrorism, as well as of problems that may arise in legislative drafting or application.

D. Assessing impact and measuring results

45. The impact of UNODC programme activities, which seek to promote legislative change and international cooperation, can only be measured over an extended period of time. Though influenced by the Governments concerned, that impact will be evident in the increased level of compliance by those countries assisted by UNODC with the provisions of Security Council resolution 1373 (2001) and the universal legal instruments related to terrorism. Since January 2003, when the global project on strengthening the legal regime against terrorism became operational, the Terrorism Prevention Branch has provided 60 countries with draft legislative amendments, legislative advice or complete counter-terrorism legislation. It has supported 108 countries, either directly through bilateral missions or

indirectly through regional workshops, in ratifying and implementing the 12 universal legal instruments against terrorism; over 1,000 national officials have received in-depth substantive briefing or training. Available information indicates that the assisted countries have undertaken more than 200 new ratifications of the 12 universal instruments related to terrorism, while 22 States have either passed new counter-terrorism legislation or are drafting legislation.

46. UNODC has conducted workshops to provide support to countries, at their request, in completing their reporting requirements to the Counter-Terrorism Committee. The work of the Office has resulted in an increased level of awareness among the relevant government officials of their countries' obligations under the legal instruments and the increased action at the national level to meet those obligations, especially with respect to international cooperation. UNODC will continue to evaluate carefully the results and impact of its work to ensure that it contributes to the Secretary-General's comprehensive strategy to prevent terrorism.

E. Resources

47. The resources of the Terrorism Prevention Branch are derived from the United Nations regular budget as approved by the General Assembly and from voluntary contributions by Member States. The regular budget includes an annual provision of approximately $900,000, mainly covering seven staff positions, with small allocations for expert groups, consultants and travel.

48. UNODC technical assistance activities are financed from voluntary contributions from donor countries, which have been steadily increasing, reflecting growing confidence in effective programme delivery. Contributions to the United Nations Crime Prevention and Criminal Justice Fund for technical assistance projects in the field of terrorism prevention as at 30 June 2005 are shown in the table below.

Contributions to the United Nations Crime Prevention and Criminal Justice Fund for technical assistance projects of the Terrorism Prevention Branch, for 2002 and before to 2005, as at 30 June 2005
(United States dollars)

Donor	*Total amount*	*2002 and before*	*2003*	*2004*	*2005*
Austria	**1 084 474**	308 507	730 689		45 278
Canada	**121 442**			47 071	74 371
Denmark	**181 737**				181 737
France	**493 883**		247 578	246 305	
Germany	**419 090**		162 690	256 400	
Italy	**1 440 782**	263 259	271 150	306 373	600 000
Japan	**30 000**	30 000			
Netherlands	**4 720**		4 720		
Norway	**442 478**			442 478	
Spain	**156 576**		156 576		

Donor	*Total amount*	*2002 and before*	*2003*	*2004*	*2005*
Sweden	**491 344**				491 344
Turkey	**95 170**	45 170		50 000	
United Kingdom of Great Britain and Northern Ireland	**690 146**			478 000	212 146
United States of America	**480 000**	230 000		250 000	
Total	**6 131 842**	**876 936**	**1 573 403**	**2 076 627**	**1 604 876**

IV. Summary of responses received from Member States

49. By a note verbale dated 23 February 2005, the Secretariat invited Member States to provide the Secretary-General with information on their efforts to implement General Assembly resolution 59/153. As at 30 June 2005, the following 21 countries had responded: Algeria, Australia, Austria, Costa Rica, Czech Republic, Egypt, Haiti, Hungary, Japan, Kuwait, Latvia, Malta, Mauritius, Mexico, Morocco, Netherlands, Peru, Qatar, Serbia and Montenegro, Tunisia and Turkey. Such information is useful in understanding the needs of Member States and thus serves UNODC in assisting requesting States in developing their capacity to prevent terrorism, in accordance with the Secretary-General's comprehensive counter-terrorism strategy.

50. Most of the States responding reported on both preventive and punitive measures taken by their Governments against terrorism.

51. Most respondents provided information on the status of ratification of the universal instruments related to terrorism and many also on the relevant provisions in their domestic legislation dealing with terrorist crimes. Among the specific terrorist activities addressed were, for example, the incitement to commit terrorist acts, hostage-taking and the prevention and combating of smuggling of radioactive sources. Several States had included a definition of terrorism in their respective penal codes and provided that definition to the Secretariat. Most States treated terrorist acts as serious crimes in their legislation and also criminalized preparatory acts committed by terrorist organizations.

52. Some States reported on the role and functions of recently established specialized national coordinating structures against terrorism and other serious crimes.

53. Several States noted their compliance with the revised Forty Recommendations of the Financial Action Task Force on Money Laundering and its nine special recommendations on terrorist financing. Governments had made efforts in particular to criminalize the financing of terrorism. Some reported that they had introduced new legislation to combat money-laundering or were in the process of doing so. The confiscation of assets of those who supported or financed terrorism was highlighted in many responses as an important measure to prevent and combat

terrorism. Several States reported on their actions in response to Security Council resolutions 1267 (1999), 1333 (2000) of 19 December 2000, 1363 (2001) of 30 July 2001, 1390 (2002) of 16 January 2002, 1455 (2003) of 17 January 2003 and 1526 (2004) of 30 January 2004 concerning Al-Qaida and the Taliban (and associated individuals and entities).

54. Many States reported on their obligations as parties to international and regional conventions, as well as their existing bilateral extradition and mutual legal assistance agreements. Others reported on their practice of using multilateral treaties as a basis for extradition and mutual legal assistance. Some described their national legislation on extradition and mutual legal assistance.

55. In the context of joint action against terrorism, many responding States referred to cooperation with regional and international organizations, such as the Council of Europe, the Pacific Islands Forum, the Association of Southeast Asian Nations, the European Union, CICTE/OAS, OSCE, the North Atlantic Treaty Organization, CIS, GUUAM, the League of Arab States, the Southeast European Cooperative Initiative, the Black Sea Economic Cooperation Organization and IMF.

56. Some States described programmes in the areas of law enforcement and judicial training. Others referred to specific training courses, conferences and symposiums related to combating terrorism, including those organized by the African Institute for the Prevention of Crime and the Treatment of Offenders and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

V. Conclusions and recommendations

57. The main focus of the activities conducted by UNODC in the area of terrorism prevention in the year under review was the provision of assistance to requesting States for the ratification and legislative incorporation of the universal instruments related to terrorism. UNODC will continue to provide such assistance to States, upon request, as a matter of priority.

58. UNODC has reinforced the provision of assistance to States in reviewing and revising national legislation against terrorism and at the same time special efforts have been made to undertake qualitative follow-up.

59. Having reached a considerable number of countries through first-stage regional, subregional and bilateral assistance activities, the work of the Office will focus more and more on follow-up activities. The capacity to provide such in-depth implementation assistance will be strengthened through increased representation at the country and subregional levels, by: (a) placing experts in the field; (b) involving the UNODC field offices; and (c) actively seeking partnerships.

60. By utilizing its specialized expertise and comparative advantages, as well as by fostering and strengthening both inter-agency and intra-agency partnerships, UNODC makes a substantive contribution to the global effort against terrorism and more specifically to the Secretary-General's comprehensive global strategy against terrorism.

61. Upholding the rule of law, building viable criminal justice systems and strengthening international cooperation against terrorism are important components in a comprehensive response against international terrorism, both at the national and the global level. UNODC should reinforce its work in this area as far as it relates to the ratification and implementation of the universal instruments related to terrorism. In that regard, UNODC should also begin similar work on the recently adopted international instrument, the International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex), in consultation with the International Atomic Energy Agency.

62. In its resolution 59/153, the General Assembly expressed its appreciation to donor countries for their voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, and invited all Member States to make voluntary contributions to the Fund in order to allow UNODC to provide technical assistance to requesting Member States. Donor countries have indeed provided increased voluntary contributions for UNODC counter-terrorism work, almost doubling the extrabudgetary resources received or pledged at the time of last year's request. At the same time, it is important to be aware that the current resource level is still inadequate to meet the increasing requests for assistance and the corresponding growth in operational activities and substantive initiatives for the ratification and implementation of the universal instruments related to terrorism and the consequent reinforcement of international cooperation. Increased voluntary contributions by donors and cost-sharing arrangements with assisted countries are therefore vital, as are joint initiatives and partnerships with other relevant organizations.

Notes

[1] See the report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.203/18).

[2] Ibid., chap. I, resolution 1.

[3] See *Official Records of the Economic and Social Council, 2005, Supplement No. 10* (E/2005/30), chap. I, draft resolution VI.

[4] Afghanistan, Cambodia, Chad, Costa Rica, Djibouti, Ecuador, El Salvador, Ethiopia, Gambia, Kuwait, Nicaragua, Madagascar, Paraguay, Philippines, Republic of the Congo, Sierra Leone, Thailand, Togo, Turkmenistan, United Arab Emirates, Uzbekistan and Viet Nam.

[5] Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Mauritania, Mauritius, Morocco, Niger, Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal and Togo.

[6] Cape Verde (11-16 November 2003), Central African Republic (9-14 February 2004), Guinea (3-7 May 2004), Chad (6-10 June 2004), the Republic of the Congo (5-9 July 2004), Togo (2-5 August 2004), Morocco (4-6 October 2004), Burkina Faso (25-28 November 2003), Rwanda (25-28 November 2003), Cameroon (25-28 November 2003), Gabon (25-28 November 2003).

[7] United Nations publication, Sales No. E.04.V.7.